

Report of Area 4 Board's Legislative & Public Policy Committee

as of April 2, 2013. The Board has not taken action on these bills to date.

Bill	Position	
ABUSE & NEGLECT LEGISLATION		
<u>SB 651, Pavley. Developmental centers and state hospitals.</u> Existing law establishes the State Department of Developmental Services and sets forth its powers and duties relating to the administration of the state developmental centers. Existing law establishes the State Department of State Hospitals and sets forth its powers and duties relating to the administration of state hospitals. This bill would require designated investigators of developmental centers and state hospitals to ensure that a resident of a developmental center or a resident of a state hospital, as applicable, who is a victim or suspected victim of sexual assault, as defined, is provided a medical evidentiary examination performed at an appropriate facility off the grounds of the developmental center or state hospital in accordance with specified provisions. Existing law requires a developmental center to immediately report specified incidents involving a resident to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located. Existing law provides for the licensure and regulation of health facilities, including long-term care facilities, as defined, by the State Department of Public Health. Existing law provides for a citation system for the imposition of civil penalties against long-term care facilities, including penalties specifically applicable to certain skilled nursing facilities and intermediate care facilities, in violation of applicable laws and regulations. This bill would deem a developmental center's failure to	Support	

report to local law enforcement a class B violation, as specified, and subject to the penalties applicable to those certain skilled nursing and intermediate care facilities, as specified.		
<p><u>AB 961AB 961, as introduced, Levine. Health facilities: investigations: public disclosure.</u></p> <p>Existing law establishes the State Department of Health Care Services and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, with certain exceptions. Existing law requires the department to investigate complaints relating to long-term health facilities, as defined.</p> <p>This bill would require the department to complete its investigation and issue a citation within specified time periods, but would allow for an extension of these periods for up to 30 days if the department is unable to complete its investigation due to extenuating circumstances beyond its control, and would require the department to document these circumstances in its final determination.....</p> <p>This bill would authorize public notice of the survey or licensing reports, or all class "AA," "A," or "B" violations issued by the State Department of Public Health, as specified, or facility evaluation, deficiency, or complaint investigation reports issued by the State Department of Social Services, if the information relates to a facility with a license capacity of 16 beds or more and does not include the name or personally identifiable information of any patient or person with a developmental disability. The bill would also prohibit the confidential information in the possession of the State Department of Public Health or State Department of Social Services from containing personally identifiable information about a patient or a person with a disability.</p>	Support	
<p><u>AB 602, as amended, Yamada. Mentally and developmentally disabled persons: reporting abuse: peace officer training.</u></p> <p>Existing law requires the Commission on Peace Officer</p>	Support	

Standards and Training, in the Department of Justice, to establish and keep updated a continuing education classroom training course relating to law enforcement intervention with mentally disabled persons and requires the course to be developed in consultation with specified groups and entities. Existing law requires the commission to submit a report to the Legislature that contains specified information regarding this training.

This bill would require the commission to establish, by July 1, 2015, and keep updated a training course relating to law enforcement interaction with mentally disabled or developmentally disabled persons living within a state mental hospital or state developmental center, as specified. The training course would be required for law enforcement personnel in law enforcement agencies with jurisdiction over state mental health hospitals and state developmental centers, as part of the agency's officer training program. Existing law requires specified people, known as mandated reporters, to report cases of elder or dependent adult abuse, as defined. Existing law requires a report to be made to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local enforcement agency if the suspected or alleged abuse occurred in a state mental hospital or state developmental center. Existing law also requires mandated reporters in the State Department of Developmental Services to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency. Failure to make a report as required by existing law is a misdemeanor.

This bill would instead require a report to be made to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and also to the local enforcement agency, as specified, if the suspected or alleged abuse or neglect occurred in a state mental hospital or state developmental center and resulted in any specified incidents, including a

<p>death or a sexual assault. This bill would also require mandated reporters in the State Department of State Hospitals to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency.</p> <p>This bill would also require a local law enforcement agency to coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide a response to investigate reports received pursuant to specified provisions....</p>		
AUTISM INSURANCE LEGISLATION		
<p><u>SB 126, as introduced, Steinberg. Health care coverage: pervasive developmental disorder or autism.</u></p> <p>Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism, except as specified. A willful violation of these provisions with respect to health care service plans is a crime. These provisions are inoperative on July 1, 2014, and are repealed on January 1, 2015.</p> <p>This bill would extend the operation of these provisions until July 1, 2019, and would repeal these provisions on January 1, 2020.</p>	Support	
<p><u>SB 163, as introduced, Rubio. Health care coverage: regional center responsibilities.</u></p> <p>Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and provides for the regulation of health insurers by the Department of Insurance. Existing law requires those health care service plan contracts and health insurance policies, except as specified, to provide coverage</p>	Watch	

<p>for behavioral health treatment, as defined, for pervasive developmental disorder or autism. Existing law provides, however, that no benefits are required to be provided that exceed the essential health benefits that will be required under specified federal law. This bill would declare the intent of the Legislature to enact legislation that would provide clarification for the implementation of those provisions of law with regards to fiscal responsibilities of regional centers that provide services and supports to individuals with developmental disabilities.</p>		
<p>EMPLOYMENT LEGISLATION</p>		
<p><u>AB 1041, as introduced, Chesbro. Developmental services: Employment First Policy.</u></p> <p>Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.</p> <p>This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the</p>	<p>Support</p>	

Employment First Policy.		
<p><u>SB 577, as introduced, Pavley. Autism services: pilot program: employment.</u></p> <p>The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism.</p> <p>This bill would require the State Department of Developmental Services to establish a pilot program for young adults with autism to help them find pathways to financial independence through work. The bill would require the pilot program to develop and implement a new model for providing employment services to autistic individuals and to create financial incentives for employment service providers, as specified, among other requirements.</p>	Watch	
<p><u>SB 349, as introduced, Walters. Home- and community-based services waiver for the developmentally disabled: sheltered work.</u></p> <p>Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law provides for various home- and community-based services waivers.</p> <p>This bill would require a provider of sheltered work under a specified home- and community-based services waiver to demonstrate that the provider is transitioning at least 20 percent of its clients annually into integrated, individualized employment settings, with or without support, in order to get reimbursed under the waiver.</p>	Watch	

SELF DETERMINATION LEGISLATION		
<p><u>SB 468, as introduced, Emerson. Developmental services: statewide self-determination project.</u></p> <p>This bill would require the department to implement a statewide self-determination project under which funds from regional center budgets are allocated for local self-determination projects that will enhance the ability of a consumer and his or her family to control the decisions and resources required to meet the objectives in his or her individual program plan. The statewide project would be phased in over 3 years, and serve up to 2500 regional center consumers. The bill would require the department to ensure, among other things, that self-determination is available as a choice and participants in the project reflect the disability, ethnic, and geographic diversity of the state. The bill would require self-determination projects to include, among other things, increased consumer and family control over which services best meet their needs and the IPP objectives and comprehensive person-centered planning. This bill would require a self-determination project to establish a local advisory committee, as prescribed, to provide oversight of the project and to submit, by September 1, 2016, specified recommendations to the department regarding the effectiveness of the project.</p>	Support	
EQUITY & DIVERSITY LEGISLATION		
<p><u>AB 1232, as introduced, V. Manuel Pérez. Developmental services: quality assessment system.</u></p> <p>Existing law requires the department to implement a quality assessment system, as prescribed, to enable the department to assess the performance of the state's developmental services system and to improve services for consumers. Under existing law, the department is required, in consultation with stakeholders, to identify a valid and reliable quality assurance instrument that assesses consumer and family satisfaction, provision of services, and personal outcomes, and, among other things, includes</p>	No position. For discussion at 4-4-13 LPPC meeting.	

<p>outcome-based measures such as health, safety, and well-being. Under existing law, the department is required to contract with an independent agency or organization that is, in part, experienced in designing valid quality assurance instruments, to implement the system.</p> <p>This bill would require the quality assurance instrument to assess the provision of services in a linguistically and culturally competent manner and include an outcome-based measure on issues of equity and diversity. This bill would require the independent agency or organization the department contracts with to be experienced in issues relating to linguistic and cultural competency.</p>		
<p><u>SB 158, as amended, Correa. Autism services: demonstration program.</u></p> <p>This bill would declare the intent of the Legislature to enact legislation that would establish, until January 1, 2019, a demonstration program that will provide technical assistance and best practices related to linguistic and cultural competency for autism services that are provided by regional centers to consumers and their families that would be known as the Regional Center Excellence in Community Autism Partnerships (RE CAP) program to implement measures in underserved communities to promote awareness and reduce the stigma associated with autism or pervasive developmental spectrum disorders, improve the early screening, diagnosis, and assessment of those disorders, and increase access to evidence-based interventions and treatments, as specified.</p> <p>The bill would require the department to contract with a University of California or California State University campus to serve as the coordinating center for the program. The bill would also require the department to define the responsibilities of the coordinating center and to establish criteria for participation in, and guidelines for the implementation of, the program.</p> <p>The bill would require, on or before January 1, 2018, the center, or its designee, to provide information to the</p>	<p>No position. For discussion at 4-4-13 LPPC meeting.</p>	

appropriate committees of the Legislature, the department, the Governor's office, and participating regional centers information regarding the efficacy and outcomes of the RE CAP program.		
<p><u>SB 321, as introduced, Price. Developmental services: regional centers: performance contracts.</u></p> <p>Under the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is required to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law requires the state to enter into 5-year contracts with the regional centers, subject to the annual appropriation of funds by the Legislature, and requires that the contracts include annual performance objectives, as specified.</p> <p>This bill would, in this regard, require the department to establish performance contract guidelines and measures relating to issues of cultural and linguistic competency.</p>	No position. For discussion at 4-4-13 LPPC meeting.	
<p><u>SB 555, as amended, Correa. Developmental services: regional centers: individual program plans and individual individualized family service plans.</u></p> <p>Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP) individual individualized family service plan (IFSP), developed in accordance with prescribed requirements. Existing law states that it is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, as specified.</p>	No position. For discussion at 4-4-13 LPPC meeting.	

<p>This bill would state the intent of the Legislature to enact legislation that would require an IPP or IFSP to consider the needs of the consumer, and his or her family, in order to provide services and supports in a culturally and linguistically appropriate manner.</p> <p><i>This bill would require those provisions to be implemented in a manner that meets the cultural preferences, values, lifestyle, and native language of the consumer and the consumer's family, and require the IPP or IFSP, and the services and supports provided under the IPP or IFSP, to be designed to meet the cultural preferences, values, and lifestyle of the consumer and the consumer's family, and provided in their native language, as defined.</i></p> <p><i>Under existing law, regional centers are required to conduct case finding activities, including notification of the availability of services in English and other languages that are appropriate to the service area.</i></p> <p><i>This bill would require the department and the regional centers to ensure that consumers and their families receive culturally and linguistically competent information, including written documents, about the IPP and the IFSP, and related processes and procedures, as prescribed. This bill would require each regional center to make this information available to the public, and require the department and the regional centers to make this information available on the department's and regional center's Internet Web sites.</i></p> <p><i>Under existing law, a person believed to have a developmental disability or to have a high risk of parenting a developmentally disabled infant is eligible for initial intake and assessment in the regional centers, as specified.</i></p> <p><i>This bill would require all communication with the consumer and his or her family pursuant to those provisions to be in their native language.</i></p>		
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